

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ISHIDA ET AL.

Atty. Ref.: 1114-218

Serial No. 10/554,099

Group: Dote

Filed: October 21, 2005

Examiner: Dote

For: ELECTROPHOTOGRAPHIC PHOTORECEPTOR,
ELECTROPHOTOGRAPHIC IMAGE FORMING METHOD,
AND ELECTROPHOTOGRAPHIC APPARATUS

* * * * *

August 3, 2009

Mail Stop 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REFUND REQUEST

The Office is requested to refund the undersigned's Deposit Account for the \$1,110.00 (Fee Code 1253) debited to Deposit Account No. 14-1140 in the Fee Worksheet indexed at December 19, 2008 in the PTO IFW.

Specifically, the PTO IFW contains the following notation of the charge:

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 01/29/2009

ASELLMAN SALE #00000001 Mailroom Dt: 12/19/2008 141140 10554099
01 FC : 1253 1,110.00 DA

ISHIDA ET AL.
Appln. No. 10/554,099
Atty. Ref.: 1114-218
REFUND REQUEST
August 3, 2009

The Patent Office three month extension fee charge to the undersigned's Deposit Account however is without merit.

The undersigned believes that the error by the Patent Office may have arisen from a date error in the Patent Office IFW Transaction History.

Specifically, the following is a reproduction of the Transaction History wherein a Notice of Non-Compliant Amendment is listed as having been allegedly mailed on August 18, 2008 and then responded to by the applicants on December 19, 2008:

ISHIDA ET AL.
 Appln. No. 10/554,099
 Atty. Ref.: 1114-218
 REFUND REQUEST
 August 3, 2009

10/554,099	Electrophotographic photoreceptor, electrophotographic image forming method, and electrophotographic apparatus	08-03-2009:09:56:12
Transaction History		
Date	Transaction Description	
04-15-2009	Mail Non-Final Rejection	
04-13-2009	Non-Final Rejection	
01-29-2009	Date Forwarded to Examiner	
12-19-2008	Response after Non-Final Action	
12-19-2008	Request for Extension of Time - Granted	
08-19-2008	Mail Notice of Informal or Non-Responsive Amendment	
09-24-2008	Peri legal TD Accepted	
08-18-2008	Terminal Disclaimer Filed	
09-22-2008	Date Forwarded to Examiner	
08-18-2008	Informal or Non-Responsive Amendment after Examiner Action	
08-18-2008	Response after Non-Final Action	
08-18-2008	Request for Extension of Time - Granted	
05-01-2008	Mail Non-Final Rejection	
04-30-2008	Non-Final Rejection	
08-08-2006	Information Disclosure Statement considered	
07-20-2006	Information Disclosure Statement considered	
10-21-2005	Information Disclosure Statement considered	
10-04-2007	Case Docketed to Examiner in GAU	
08-08-2006	Reference capture on IDS	
08-08-2006	Information Disclosure Statement (IDS) Filed	
08-08-2006	Information Disclosure Statement (IDS) Filed	
07-20-2006	Reference capture on IDS	
07-20-2006	Information Disclosure Statement (IDS) Filed	
07-20-2006	Information Disclosure Statement (IDS) Filed	
07-13-2006	IFW TSS Processing by Tech Center Complete	
07-13-2006	Case Docketed to Examiner in GAU	
03-15-2006	Miscellaneous Incoming Letter	
10-21-2005	Request for Foreign Priority (Priority Papers May Be Included)	
10-21-2005	Information Disclosure Statement (IDS) Filed	
10-21-2005	Information Disclosure Statement (IDS) Filed	
10-21-2005	Preliminary Amendment	
10-21-2005	371 Completion Date	
07-07-2006	Application Dispatched from OIPE	
07-07-2006	Notice of DO/EO Acceptance Mailed	
05-13-2006	Cleared by OIPE CSR	
10-21-2005	Initial Exam Team nn	

In fact, the Notice of Non-Compliant Amendment was mailed November 19, 2008, as evidenced by the following reproduction of the first page of the Communication

ISHIDA ET AL.
Appln. No. 10/554,099
Atty. Ref.: 1114-218
REFUND REQUEST
August 3, 2009

covering the Notice, and the following reproduction of the listing of events from the PTO

IFW:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
Patent, Trademark and Copyright Office
Address: COMPTON BUILDING, 4TH FLOOR
P.O. Box 1470
Alexandria, VA 22304-2281-1470
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,099	10/21/2005	Kouya Ishida	FIN-1114-218	6906
23117 7966 11/07/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER	
			NOTES: (AMEND.)	
			ART UNIT	PAPER NUMBER
			1295	
			NAME, DATE	DECEMBER 10, 2008
			11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

10/554,099 Electrophotographic photoreceptor, electrophotographic image forming method, and electrophotographic apparatus 68-03-2009.10.02.02

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
07-15-2009	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
07-15-2009	CLM	Claims	PROSECUTION	14
07-15-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	14
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
07-15-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
07-15-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	3
07-15-2009	136A	Authorization for Extension of Time all replies	PROSECUTION	1
07-15-2009	DIST	Terminal Disclaimer Filed	PROSECUTION	2
04-15-2009	CTNF	Non-Final Rejection	PROSECUTION	103
04-15-2009	892	List of references cited by examiner	PROSECUTION	1
04-15-2009	FOR	Foreign Reference	PROSECUTION	40
04-15-2009	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-15-2009	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2
04-15-2009	NPL	NPL Documents	PROSECUTION	4
04-15-2009	NPL	NPL Documents	PROSECUTION	26
04-15-2009	NPL	NPL Documents	PROSECUTION	51
12-19-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
12-19-2008	SPEC	Specification	PROSECUTION	4
12-19-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
12-19-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
12-19-2008	LET	Miscellaneous Incoming Letter	PROSECUTION	1
12-19-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
12-19-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
11-19-2008	NTC.A.NONCPL	Notice to the applicant regarding a non-compliant or non-responsive amendment	PROSECUTION	3
11-19-2008	NTC.A.NONCPL	Notice to the applicant regarding a non-compliant or non-responsive amendment	PROSECUTION	1
09-25-2008	DISQ	Terminal Disclaimer Approval form used within the USPTO	PROSECUTION	2
08-18-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
08-18-2008	SPEC	Specification	PROSECUTION	4
08-18-2008	CLM	Claims	PROSECUTION	12

ISHIDA ET AL.
Appln. No. 10/554,099
Atty. Ref.: 1114-218
REFUND REQUEST
August 3, 2009

The Notice of Non-Compliant Amendment provided a one month response period, as indicated in the following partial reproduction of the Notice:

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

The alleged non-compliant Amendment was a response to a non-final Office Action mailed May 1, 2008.

The one month due date for responding to the Notice of Non-Compliant Amendment was December 19, 2008. The applicants filed, and the Patent Office received, a response to the Notice of Non-Compliant Amendment on December 19, 2008, as evidenced by the following reproduction of the Patent Office receipt and the above listing of events from the PTO IFW:

ISHIDA ET AL.
Appln. No. 10/554,099
Atty. Ref.: 1114-218
REFUND REQUEST
August 3, 2009

Electronic Acknowledgement Receipt

EFS ID:	4489303
Application Number:	10554099
International Application Number:	
Confirmation Number:	6596
Title of Invention:	Electrophotographic photoreceptor, electrophotographic image forming method, and electrophotographic apparatus
First Named Inventor/Applicant Name:	Kazuya Ishida
Customer Number:	23117
Filer:	B. J. Sadoff/Pachack Phommachanh
Filer Authorized By:	B. J. Sadoff
Attorney Docket Number:	BJS-1114-216
Receipt Date:	19-DEC-2006
Filing Date:	21-OCT-2005
Time Stamp:	10:11:01
Application Type:	U.S. National Stage Under 35 USC 371

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Authorization for Extension of Time all replies	1114-2138-cover.pdf	6931407 b2b04e4e-5287-fc3b-9c7b-5597-986-ncg2170a- c186c	no	1
Warnings:					
Information:					

ISHIDA ET AL.
 Appln. No. 10/554,099
 Atty. Ref.: 1114-218
 REFUND REQUEST
 August 3, 2009

2	12-19-08-1114-218- Amendment.pdf	107987	yes	6
Multipart Description/PDF files in .zip description				
Document Description		Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Specification		2	5	
Applicant Arguments/Remarks Made in an Amendment		6	6	
Warnings:				
Information:				
Total Files Size (in bytes):		198127		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/E0/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>				

Return of the erroneously charged \$1,110 to the undersigned's Deposit Account No. 14-1140, or further explanation of the appropriateness of the charge, is requested.

ISHIDA ET AL.
Appln. No. 10/554,099
Atty. Ref.: 1114-218
REFUND REQUEST
August 3, 2009

Respectfully submitted,

NIXON & VANDERHYE P.C.

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